

**Order Prepared and Submitted By:**

Mark C. Rose, #13855

Jamie L. Nopper, #10703

**MCKAY, BURTON & THURMAN, P.C.**

Gateway Tower West

15 West South Temple, Suite 1000

Salt Lake City, Utah 84101

Telephone: (801) 521-4135

Facsimile: (801) 521-4252

E-mail: [mrose@mbt-law.com](mailto:mrose@mbt-law.com)

E-mail: [jnopper@mbt-law.com](mailto:jnopper@mbt-law.com)

*Attorneys for Debtor and Debtor In Possession*

*Project Neptune, LLC*

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**THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH**

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In re:

PROJECT NEPTUNE, LLC,

Debtor.

Bankruptcy Case 23-23695  
(Chapter 11 – Subchapter V)

Judge Peggy Hunt

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**ORDER ON MOTION FOR APPROVAL OF THE SUBCHAPTER V  
TRUSTEE’S FEES AND EXPENSES AND MOTION TO DISMISS CASE**

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Before the Court for ruling is Debtor and Debtor in Possession Project Neptune, LLC’s (“Debtor”) *Motion for Approval of the Subchapter V Trustee’s Fees and Expenses and Motion to Dismiss* [ECF No. 25] (the “Motion”). The Motion seeks approval of the Subchapter V Trustee’s fees and then dismissal of this case.

On October 24, 2023, Debtor filed the Motion. On October 24, 2023, Debtor filed a motion to shorten the notice for and the time for hearing on the Motion [ECF No. 27] (the “Motion to Shorten Notice”). On October 25, 2023, the Court granted the Motion to Shorten Notice. *See* ECF No. 29. On October 25, 2023, Debtor filed a notice of hearing on the Motion [ECF No. 30] (the “Notice of Hearing”). The Notice of Hearing provided notice to all parties of an objection deadline of November 7, 2023 at 12:00 p.m. Mountain Time and a hearing date of November 8, 2023 at 2 p.m. Mountain Time. *Id.*

On October 27, 2023, the Motion and the Notice of Hearing were served on the entire mailing matrix associated with this case. *See* ECF No. 31. Various objections were filed to the Motion. *See* ECF Nos. 32 and 34 through 38. On November 8, 2023, the Motion came before the Court for a preliminary hearing. At the November 8, 2023 hearing, the Court addressed certain preliminary issues and then continued the matter to November 9, 2023 at 2:00 p.m. Mountain Time for an evidentiary hearing.

On November 9, 2023, an evidentiary hearing on the Motion was held. Present at the hearing was Mark C. Rose (as counsel for Debtor), D. Ray Strong (the Subchapter V Trustee), Melinda P. Willden (as counsel for the US Trustee), John S. Gygi (as counsel for the Small Business Administration), Daniel Holland (as counsel for Chip Garrity), and various creditors<sup>1</sup>. At the hearing, evidence was presented in support of the Motion, and the Court listened to the arguments and representations of counsel.

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<sup>1</sup> The following creditors appeared without counsel: Alice Moise, Jacqueline Hawkins, Jeffrey Don Robertson, Malesa Hone, Richard Roberts, Roger and Traci Hancock, Suzanne Riddle, Julie Lindberg, and Tom Reynolds.

Having reviewed the Motion, the Notice of Hearing, and the arguments of the parties, and having made certain findings of fact and conclusions of law on the record, which are incorporated herein by this reference, it is hereby **ORDERED** as follows:

1. The Motion [ECF No. 25] is **APPROVED** and/or **GRANTED** as follows:

a. The Subchapter V Trustee's application for compensation and reimbursement of expenses is **APPROVED**;

b. The Subchapter V Trustee's request for compensation in the amount of \$1,312.78 is **APPROVED**;

c. Debtor is authorized to pay the compensation approved herein for the Subchapter V Trustee from the bankruptcy estate's current funds;

d. Debtor shall retain the estate's records in accordance with the US Trustee's Manual and is authorized to close all bank accounts of the estate;

e. Debtor is **DISCHARGED** from its duties as a debtor in possession; and

2. This case is hereby dismissed.

-----**END OF ORDER**-----

**\*\*\*\*\*IMPORTANT NOTICE AND INSTRUCTIONS\*\*\*\*\***

**INSTRUCTIONS ON HOW TO ACCESS AND USE CERTAIN CRUISE CREDITS CURRENTLY IN PROJECT NEPTUNE, LLC'S POSSESSION ARE ATTACHED HERETO AS EXHIBIT 1 (CRUISE CREDIT REDEMPTION PROCESS). CREDITORS AND PARTIES IN INTEREST SHOULD SEE EXHIBIT 1 AND FOLLOW THE INSTRUCTIONS SET FORTH THEREIN TO ACCESS AND USE THE CRUISE CREDITS AVAILABLE TO PROJECT NEPTUNE, LLC. THE CRUISE CREDITS ARE SET TO EXPIRE ON NOVEMBER 30, 2023, SO TIME IS OF THE ESSENCE.**

**Approved as to form and content by:**

\*/s/ Melinda P. Willden  
Melinda P. Willden  
*Attorney for the US Trustee*  
\* Electronically endorsed with permission

\*/s/ John S. Gygi  
Johns S. Gygi  
*Attorney for the Small Business Administration*  
\* Electronically endorsed with permission

\*/s/ D. Ray Strong  
D. Ray Strong  
*The Subchapter V Trustee*  
\* Electronically endorsed with permission

**DESIGNATION OF PARTIES TO BE SERVED**

Service of the foregoing **ORDER ON MOTION FOR APPROVAL OF THE SUBCHAPTER V TRUSTEE'S FEES AND EXPENSES AND MOTION TO DISMISS CASE** shall be served to the parties and in the manner designated below:

**By Electronic Service:** I certify that the parties of record in this case as identified below, are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF system:

United States Trustee, [USTPRegion19.SK.ECF@usdoj.gov](mailto:USTPRegion19.SK.ECF@usdoj.gov)  
Mark C. Rose, [mrose@mbt-law.com](mailto:mrose@mbt-law.com)  
Steven W. Call, [scall@rqn.com](mailto:scall@rqn.com)  
John S. Gygi, [john.gygi@sba.gov](mailto:john.gygi@sba.gov)  
D. Ray Strong tr, [rstrong@thinkbrg.com](mailto:rstrong@thinkbrg.com)  
United States Trustee, [USTPRegion19.SK.ECF@usdoj.gov](mailto:USTPRegion19.SK.ECF@usdoj.gov)  
Melinda Willden, [melinda.willden@usdoj.gov](mailto:melinda.willden@usdoj.gov)

**All other parties entitled to notice in this case.**

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Deputy Clerk

# EXHIBIT 1

### **CREDIT REDEMPTION PROCESS**

Project Neptune, LLC (“Project Neptune”) owns approximately \$1.5 million in cruise credits with Costa Cruise. In order to use the credits, creditors must book their cruise **prior to November 30, 2023** because the credits are set to expire on that date. The selected cruise can sail after November 30, 2023, but the cruise must be booked prior to November 30, 2023. Thus, time is of the essence and creditors must act quickly.

In order for creditors to redeem and use the cruise credits, they should follow the following procedures. Given the limited time available to book cruises, it is critical that creditors follow these procedures.

1. Prior to contacting Project Neptune, creditors should go to [www.costacruises.com](http://www.costacruises.com) and search for a cruise that is suitable for them.

2. Once an itinerary and dates are identified, creditors should e-mail Project Neptune at [credits@vacationbuilder.com](mailto:credits@vacationbuilder.com) with the following information regarding their preferred cruise package:

- a. Cruise ship name (example: Costa Smeralda)
- b. Cruise itinerary name (example: 8 Days Mediterranean)
- c. Cruise itinerary (example: Day 1 Savona, Day 2 Marseille, etc.)
- d. Cruise Dates as displayed on Costa’s website (example: 12/2/23-112/5/23)
- e. Number of cabins required (example: 1,2, etc.)
- f. Cabin type (example: interior, ocean view, balcony, etc.)<sup>2</sup>
- g. Number of passengers (example: 1,2,4, etc.)
- h. Passenger information for EACH individual, including:
  - i. Legal name as it appears on passport
  - ii. Date of birth
  - iii. Address
  - iv. Telephone number
  - v. E-mail address
- i. Proof of amount paid to Project Neptune for original booking that was cancelled.

3. Upon receipt of the above information, Project Neptune will review the information for completeness and place the customer in a queue based on chronological order of receipt. If the information provided is incomplete, Project Neptune will notify the creditor of the missing information.<sup>3</sup>

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<sup>2</sup> If the desired cabin type is unavailable, the next closest type will be substituted.

<sup>3</sup> Please note that customers will not be placed in the queue until all information is provided.

4. If the information provided is complete, Project Neptune will contact Costa to secure the requested booking.

5. After Costa makes the booking, Project Neptune will e-mail the creditor with a confirmation number of the booking. Please note, it may take one (1) to (2) weeks to receive a booking number once information has been sent to Costa.

6. Creditors should log into Costa's website to start their web checking in process as their travel date approaches. Logging into their system requires customers to enter ONLY their "last name" and booking reference number. Do NOT enter a first name or the system will not pull up your reservation in the costa system.

7. After a confirmation number has been sent to the creditor, the creditor should contact Costa's customer service department should they require any additional assistance after November 30, 2023.

#### **ADDITIONAL INFORMATION**

- Project Neptune's credits will be used to satisfy creditors' claims on a first come, first serve basis. Once the credits are exhausted, Project Neptune will not be able to help creditors.
- Due to the limited number of suites and similar type premium cabins, Project Neptune may not be able to secure them with Costa Cruise. In those circumstances, the closest rated cabin will be automatically selected.
- Project Neptune cannot guarantee cabin locations on the ship (starboard, bow, or stern).